

**BRUNSWICK COUNTY BOARD OF COMMISSIONERS  
OFFICIAL MINUTES  
REGULAR MEETING  
SEPTEMBER 18, 2006  
6:30 P.M.**

**The Brunswick County Board of Commissioners met in Regular Session on the above date at 6:30 p.m., Commissioners' Chambers, Central Services Building, County Government Center, Bolivia, North Carolina.**

PRESENT: Commissioner David Sandifer, Chairman  
Commissioner Phil Norris, Vice-Chairman  
Commissioner May Moore  
Commissioner Tom B. Rabon, Sr.  
Commissioner William M. Sue

STAFF: Marty K. Lawing, County Manager  
Steve Stone, Assistant County Manager  
Huey Marshall, County Attorney  
Jana Berg, Assistant County Attorney  
Debby Gore, Clerk to the Board  
Ann Hardy, Fiscal Operations Director

Tony Cummings, Chief Deputy

**I. CALL TO ORDER**

Chairman Sandifer called the meeting to order at 6:30 p.m.

**II. INVOCATION/PLEDGE OF ALLEGIANCE**

Commissioner Moore gave the Invocation and led the Pledge of Allegiance.

**III. ADJUSTMENTS/APPROVAL OF AGENDA**

Chairman Sandifer asked if there were any adjustments to the agenda. There were no adjustments made to the agenda.

Commissioner Moore moved to approve the agenda. The vote of approval was unanimous.

**IV. PUBLIC COMMENTS**

Chairman Sandifer asked if there was anyone in the audience who wished to speak regarding any item on the agenda or any matter that was not included in the agenda. There were no comments from the audience.

**V. APPROVAL OF CONSENT AGENDA**

Commissioner Sue moved to approve the Consent Agenda. The vote of approval was unanimous. The following items were approved:

**A. Minutes**

1. September 5, 2006 Regular Meeting Minutes

**B. Tax Matters**

1. May 2006 Motor Vehicle Valuation and Levy
2. Fire Fee Releases for September 2006
3. Tax Releases for September 2006

**C. Finance**

- 1) General Fund Amendment 33-Increase \$4,500

The County is in receipt of a DPPEA grant number H07019 from the NC Department of Environment and Natural Resources in the amount of \$4,500 in the Solid Waste Department. The grant provides funds to begin a composting program at 2 local schools. The local cash match requirement is \$534.38 making the total contract \$5,034.38. The match will be provided from funds currently budgeted in the Solid Waste department. The department requests appropriation of the grant award for program expenditures.

2) General Fund Amendment 34-Increase \$6,182

The County received notice from the North Carolina Office of Indigent Services of an increase in the grant award for the Cape Fear Sentencing Program in the amount of \$6,182. The department requests appropriation of the additional grant award for program salaries, benefits and operating costs.

3) General Fund Amendment 35-Increase \$163,926

County Capital Reserve Fund 4-Increase \$140,254

Grant funds awarded and budgeted but unexpended as of the year ending June 30, 2006 totaled \$23,672 consisting of \$3,057 in the Turf Agent Program and \$20,615 Teen Court/District Attorney's office. Staff recommends that the funds totaling \$23,672 be rolled over to the 2006/2007 fiscal year and be appropriated in the original budget codes. This is a bookkeeping adjustment.

The Storm Water Ordinance Enforcement department had unexpended funds of \$140,254 as of June 30, 2006. Staff recommends that the unexpended funds be appropriated for a transfer to the County Capital Reserve designated for storm water ordinance enforcement projects.

4) Health Fund Amendment 7-Increase \$5,901

The Health Department received additional State funds of \$5,901 for use in the Family Planning Program. The award is restricted to the purchase of pharmaceuticals. The department requests appropriation of the grant award for program expenditures.

5) Wastewater Capital Reserve Fund Amendment 4-Increase \$1,182,111

Wastewater Fund Amendment 6-Increase \$1,182,111

The County collected transmission line fees in the Wastewater Fund of \$1,182,111 during the 2005-2006 fiscal year. Staff recommends that the transmission line fees accumulated in the Wastewater Fund at fiscal year end be appropriated as a transfer to the Wastewater Capital Reserve Fund. Staff recommends that the transfer be appropriated in the Wastewater Capital Reserve Fund and designated for future Wastewater Transmission Line Projects.

6) County Capital Reserve Fund Amendment 5-Increase \$336,799

Projects designated at year end for the detention center/wellness renovation project of \$205,938 and storm water ordinance enforcement of \$130,861 totaling \$336,799 accumulated in the County Capital Reserve Fund balance at the end of the 2005-2006 fiscal year. Staff recommends appropriation of the projects in the 2007 fiscal year. This is a bookkeeping adjustment.

7) Water Capital Reserve Fund Amendment 2-Increase \$30,000

Projects designated at year end for the miscellaneous water projects of \$30,000 accumulated in the Water Capital Reserve Fund balance at the end of the 2005-2006 fiscal year. Staff recommends appropriation of the projects in the 2007 fiscal year. This is a bookkeeping adjustment.

8) General Fund Amendment 36-Increase \$11,884

The JCPC received \$11,884 of additional funds from restitution for 2005-2006. The department requests appropriation of the funds for salaries, supplies, miscellaneous and capital outlay in the Master Gardner Program.

9) Wastewater Fund Amendment 8-Increase Transfer to Sea Trail Capital Project

Wastewater Capital Reserve Fund Amendment 5-Increase Transfer to Sea Trail Capital Project

Wastewater Capital Project Fund Amendment 9-Increase \$358,544 Sea Trail Capital Project

The Board of Commissioners approved a contract with Water and Waste Systems Construction, Inc. for \$562,900 on August 21, 2006 for the Sea Trail Wastewater Treatment Plant upgrades. \$217,144 of funds are available in the Sea Trail Pump Station Project and \$158,544 are designated in the County Capital Reserve Fund for the project. Staff recommends an additional \$200,000 be transferred from the Waste Water Fund retained earnings to the Sea Trail project and that the capital project ordinance be amended for the contract with Water and Waste Systems Construction, Inc.

**D. Proclamation – Brunswick County Literacy Month**

Staff requests approval to Proclaim September 2006 as Brunswick County Literacy Month.

**E. Proposed Drainage Projects for Mosquito Control**

Staff request approval of drainage projects for Operation Services Department.

## **F. Road Petition**

Staff requests approval of SR-2 Resolution for Sea Trace.

## **VI. PRESENTATION**

### **1. Mary W. Wells Diversity Award – NC Cooperative Extension**

David Barkley presented the Mary W. Wells Diversity Award to Susan Morgan, Cooperative Extension Family and Consumer Science Agent and Maria Veselinovich and Pat Burgess, Extension and Community Association volunteers. Ms. Morgan explained that this award was much deserved because of the numerous hours devoted by the volunteers for Brunswick County.

## **VII. ADMINISTRATIVE REPORT**

### **1. Engineering – 2006/07 CIP – Water Main Construction - (*Jeff Phillips*)**

Staff recommends that the Board of Commissioners approve Advisory Board's recommendation.

Jeff Phillips, Engineering Services Director explained that the Board approved to budget two million dollars in FY 2006-2007 to be used to install waterlines in the County. The list of projects used in the budget presentation was the July 2005 priority list. The 2006 priority list with updated pipe prices and projects was published in July 2006.

On September 11, 2006, the Utility Operations Board made a recommendation that the Brunswick County Board of Commissioners adopt the top five projects on the July 2006 priority list and install the waterlines as Capital Improvement Projects. The areas are Lake Wood Estates Phase 2, Wood Duck Retreat, Evans Circle, River Run Plantation and Lake View. The estimated total cost of the projects is \$2,088,255.32.

Commissioner Sue moved to approve UOB recommendations and construct water mains in Lakewood Estates Phase 2, Wood Duck Retreat, Evans Circle, River Run Plantation and Lake View Subdivision as part of the 2006-2007 Capital Improvement Projects. The vote of approval was unanimous.

### **2. Engineering – Cedar Grove & Empire Road Water Improvements - (*Jeff Phillips*)**

Staff recommends that the Board of Commissioners award a contract to Seaside Construction Company for Cedar Grove and Empire Road Water Main Improvements and approve the associated Budget Amendment.

Jeff Phillips, Engineering Services Director explained that bids were received on August 23, 2006 for the Cedar Grove and Empire Road Water Main Improvements. Seaside Construction Company of Swansboro, NC was the apparent low bidder with a bid amount of \$781,650.00.

Commissioner Sue moved to Award the Contract to Seaside Construction Company for Cedar Grove and Empire Road Water Main Improvements and the associated Budget Amendment. The vote of approval was unanimous.

### **3. Utilities – West Brunswick Regional Wastewater Project–Task Order 1 - (*Jerry Pierce*)**

Staff recommends that the Board of Commissioners approve Task Order 17 with HDR Engineering to prepare O&M Manuals and record drawings for the West Brunswick Regional Wastewater Project.

Jerry Pierce, Utilities Director explained that the County received low interest financing through the Construction Grants and Loans Section of the North Carolina Department of Environment and Natural Resources. DENR Construction Grants and Loans Section require utilities that receive funding to prepare an operation and maintenance manual for all facilities constructed with their funds. Operation and maintenance manuals must be prepared for the wastewater treatment plant and the five pump stations. The Construction, Grants and Loan Section has provided guidance on the minimum standards for operations and maintenance manuals and Task Order 17 meets the minimum C G & L requirements for operations and maintenance manuals.

The Construction Grant and Loans Section regulations also require preparation of as built drawings for facilities constructed with their funds. Also, as built drawings are critical to our ability to locate lines for repair and to prevent damage by other utilities during construction of their facilities. Due to large number of contracts that are a part of the West Brunswick System, the number of plan sheets that must be revised exceed 500 sheets. The work included in Task Order 17 would provide as built drawings for all contracts except Contract 9. The contractor is responsible for providing the as built electrical drawings on contract 1, 2, 7 and 8.

Task Order 17 was discussed at the West Brunswick Regional Wastewater System Partner's meeting held on Sept. 13, 2006.

Commissioner Sue moved to approve Task Order 17 with HDR Engineering to prepare Operation and Maintenance Manuals and record drawings for the West Brunswick Regional Wastewater Project. The vote of approval was unanimous.

**4. Utilities – Construction Inspector Position - (Jerry Pierce)**

Staff recommends that the Board of Commissioners approve the temporary-fulltime Construction Inspector position and the associated Budget Amendment.

Jerry Pierce, Utilities Director explained that Consulting Engineers generally charge between 5% to 7% of the project cost for construction administration and construction inspection on large projects. To reduce overall project costs, the Brunswick County Public Utilities Department staff plans to be responsible for the construction administration and construction inspection on the Sea Trail Wastewater Treatment Plant Improvements and the Carolina Shores Wastewater Treatment Plant Improvements. The County has sufficient personnel, knowledge and ability to perform construction administration for projects of this size and complexity. However, the Public Utilities Department does not have the personnel to perform the construction inspection needed on these projects. The recommendation is to hire a temporary full-time inspector to provide construction inspection for the projects.

The employee is to be assigned to inspect the Sea Trail Project 30% or \$12,595, Carolina Shores Project 50% or \$20,992 and general duties 20% or \$8,397. Staff recommends approving the hiring of a temporary construction inspector and funding for 6 months from the sources outlined totaling \$41,984 for salaries and FICA.

Commissioner Sue moved to approve the temporary-fulltime Construction Inspector position and the associated Budget Amendment. The vote of approval was unanimous.

**5. Rourk Library Addition - (Steve Stone)**

Staff recommends that the Board of Commissioners approve an agreement with Ross Deckard Architects, PA for design services, bidding and construction administration of the addition to the Rourk Library in Shallotte and approve the establishment of the capital budget for the project.

Steve Stone, Assistant County Manager explained that the Rourk Library in Shallotte will be expanded by approximately 3000 square feet, the actual size to be determined by design and code considerations. The County is in the final stages of acquiring the parcel behind the existing structure, which will allow us to maximize use of the current structure and site. The County budget included \$475,000 of funding for the entire library expansion project, including design and contractor administration services.

Staff issued a design RFQ in June, 2006 and received two responses. After review of the proposals, staff recommends Ross Deckard as the firm that demonstrates the most significant experience in library design. Ross Deckard anticipates that project design and construction specification services will be complete within about three months from project initiation, and that construction of the addition would probably take about 6 months. The proposed not to exceed fee for professional services is \$30,000, with an additional not to exceed amount of \$5,000 for out of pocket expenses.

Commissioner Moore moved to approve and Agreement with Ross Deckard Architects, PA for design services, bidding and construction administration of the addition to the Rourk Library in Shallotte and approve establishment of the Capital Budget for the project. The vote of approval was unanimous.

**6. Resolution - CDBG Project - (Marty Lawing)**

Staff recommends that the Board of Commissioners approve a Resolution to adopt policies and guidelines for Brunswick County's Small Cities Community Development Block Grant Project

Marty Lawing, County Manager explained that the Board has conducted two public hearings required of all applicants for Community Development Block Grant Funds. The County intends on applying for \$750,000 to assist with the extension of water and sewer services to the property recently acquired by the County on Highway 211 North to serve a business that will create at least 75 new jobs of which 60 percent will be filled will low and moderate income individuals. The Board also adopted a resolution authorizing the formal submittal of the grant application. The use of CDBG funds requires that specific policies and guidelines be in place and the County must demonstrate that the policies have been adopted prior to submitting the application.

**Fair Housing Plan**

The Fair Housing Plan identifies the major obstacle to affirmatively furthering fair housing as the lack of Community awareness and education of Title VIII information and lists a number of fair housing activities that the County will implement over the next two years. The Plan also includes

a method for receiving and resolving housing discrimination complaints, a notice for Brunswick County Fair Housing Plan Counseling Services and a Notice to Interested Parties that the County's Fair Housing Plan and Complaint Procedure is available for inspection at the County Manager's Office.

#### **Equal Opportunity and Procurement Plan**

Plan provides that the County will provide equal employment opportunities for all persons regardless of race, color, religion, sex, age, political affiliation or any other non-merit factor, prohibits retaliatory actions against employees or applicants for employment because of a charge of employment discrimination and encourages greater utilization of all persons by identifying previously underutilized groups in the workforce.

#### **Section 3 Plan**

Requires County to take all affirmative actions to assure that minority firms, women's business enterprise and labor surplus area firms are used when possible by including disadvantaged firms on all mailing lists for work to be performed, placing advertising for goods and services in an advertisement in a paper of general circulation and include specific reference requesting disadvantaged firms apply for the work, make available plans and specifications such that disadvantaged firms have reasonable opportunity to review them.

#### **Anti-Displacement and Relocation Assistance Policy**

The County will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to another use as the direct result of activities assisted with grant funds within three (3) years of commencement of the demolition. In order to minimize the displacement of persons from their homes, prior to the initiation of public work activities the County will emphasize the approval of routes that will not result in the displacement of persons from their homes. Prior to approval of a project that will displace a person from their home, the County's engineering firm will provide a description of alternate design considerations and why the proposed route that will displace a person from their home is the best option.

#### **Facility Assessment Policy**

As a condition of the CDBG-ED to construct water and sewer improvements the County must adopt an assessment policy to require future users to the improvements to pay a fee to connect to the water and/or sewer systems. The assessment fee shall not be imposed on any business that is owned by low and moderate income individuals or a residence that is owned or occupied by a low and moderate income individual or any existing business that presently employs greater than 605 low and moderate income persons. Fifty percent of the revenue collected by the assessment for a period of 5 years shall be returned to the CDBG Program at the Commerce Finance Center and 50% retained by the County for future water and sewer capital improvements

Vice-Chairman Norris moved to approve a Resolution to adopt policies and guidelines for Brunswick County's Small Cities Community Development Block Grant Project. The vote of approval was unanimous.

#### **7. West Brunswick Regional Wastewater Reclamation Facility – Change Order No. 1 - (Marty Lawing)**

Staff recommends that the Board of Commissioners approve Change Order No. 1 (Final Adjusting) for Contract No. 1 with Seaside Utilities, Inc.

Marty Lawing, County Manager explained that the West Brunswick Regional Water Reclamation Facility has been operational since March 2006. The County, Project Manager and contractor, Seaside Utilities, Inc. identified some value engineering items prior to issuing the notice to proceed, but after awarding the contract, that resulted in cost reduction of \$272,420.00. These VE items are shown on Attachment A. Some of the larger cost saving items were: omitting stone road on top of the upset pond dike (\$41,430.00), change metal roofs to 40 yr. composite shingle roofs except on the Administration Building and Maintenance Building (\$22,840.00), Omit stucco on headworks building (\$20,300.00), delete convault fuel tanks and substitute with base mounted fuel tanks (\$50,000.00) and omit filter buildings (\$78,750.00). Due to the magnitude of this project, there were numerous Change Proposal Requests (CPR's) implemented throughout the construction process some of which resulted in further reductions and some represented cost increases that resulted in a net savings for the VE items and change proposal requests of (\$189,546.16).

In addition to the above contract savings, the final adjusting quantities resulted in a total net reduction of (\$161,933.21). Although testing exceeded the allowance by \$67,075.96, net savings were realized due to 14,757 less vertical feet of piles driven than contracted (\$141,662.40), less excavation (\$23,145.12) and less money expended on the access gates and controller (\$30,450.12).

|                            |                 |
|----------------------------|-----------------|
| ORIGINAL CONTRACT PRICE    | \$21,585,530.88 |
| VALUE ENGINEERING / CPR's  | (189,546.16)    |
| FINAL ADJUSTING QUANTITIES | (161,933.21)    |
| TOTAL DEDUCTIONS           | (351,479.37)    |
| PROPOSED FINAL CONTRACT    | \$21,234,051.51 |

The final punch list is in the process of being completed. The recommended contract completion date is September 29, 2006, which will be 235 days over the initial contract completion time of 580 days originally scheduled for February 6, 2006.

Commissioner Sue moved to approve Change Order No. 1 (Final Adjusting) for Contract No. 1 with Seaside Utilities, Inc. The vote of approval was unanimous.

#### **8. Detention Center Phase II Project – Change Order No. 1 - (*Marty Lawing*)**

Staff recommends that the Board of Commissioners approve Change Order No. 1 for the contract of Bordeaux Construction Company, Inc. for the Detention Center Phase II Project in the amount of \$75,708.00 and the associated capital project ordinance amendment.

Marty Lawing, County Manager explained that the construction of Phase II of the Detention Center Project is currently on schedule. Change Order No. 1 includes six change proposals that the contractor needs approval on so as not to delay the project. The major change being presented is the result of changes to the plans that are being required by the Division of Facilities Services related to smoke exhaust in each cell and others represent quantity adjustments or owner request from the Sheriff's Office.

The first and most financially significant is Change Proposal GC-4R to install smoke exhaust system for all inmate cells. Although the Division of Facilities Services did not require smoke exhausts for individual cells in Phase I of the project it is being required for Phase II. The total cost to install system was \$139,280. The contractor and architect have identified a value engineering savings by reducing the ductwork gauge thickness from 16 to 20 gauge that will reduce the cost by (\$11,994.00) to \$127,286. The contractor requested an additional 30 days to complete the work and the associated overhead in the amount of \$13,253, but has agreed to defer this request until the end of the project to see if the original contract completion date is exceeded.

Change Proposal GC-03 is for the overage of grout material that was required to complete the auger cast piles. The contract specification estimated nominal volume to fill the voids in each hole to be plus 15%. S&ME conducted the pile load test observation and has calculated 40% extra volume of grout utilized instead of 15% or .5 cubic yard per hole or 166 cubic yards extra grout at \$104.00/cubic yard or \$17,264.00 for a total increase of \$20,588.00 inclusive of sales tax, bond and commission.

Change Proposal GC-06 is the result of the owners request to delete the clothes conveyor in the storage room, a concrete masonry wall, delete (3) auger cast piles and a grade beam (\$32,093.00) and to add security cameras and intercoms and the associated wiring and conduit \$16,511.00 and delete the pro rata share of bond and commission for a total net deduction of (\$16,567.00)

Change Proposal GC-07 is for the deletion of eight (8) wood benches and brackets in the holding area and adding two (2) stainless steel benches with handcuff rings and six wall mounted desk for a net increase of \$1903.00.

Change Proposal GC-08 is for additional plumbing to provide a floor drain and run a water line to Room 118 so an icemaker can be installed in the new phase of the building to provide additional ice capacity and improve operational efficiency. The total cost for this additional work is \$2,134.00.

Change Proposal GC-09 includes the installation of five (5) underground conduits for future security gate operator (\$1,046.00) and extra cameras and intercom at Door 119B and intercoms at Door KO1 and NO1 (\$1,960.00). The total cost for GC-09 including bonding and commission is \$3285.00.

This change order also includes the builders risk insurance policy premium that the Board approved on the same date that the contract was awarded in the amount of \$20,954.00.

The total additional cost associated with the three Change Proposals is \$159,583.00. The change order will also reflect a total credit of (\$83,875.00) for unused pile rebar allowance (\$6,875.00) and unused 3500 cubic yards of building pad allowance (\$77,000.00), so the net contract increase associated with Change Order No. 1 is \$75,708.00.

Mr. Lawing explained that in addition, the Contractor requested to add 10 days time extension for time spent by the County in relocating a phone line that was not located prior to the award of the

contract. Commissioner Moore asked about the completion date and the County Manager answered that October 31, 2007 was the substantial completion date.

Commissioner Moore moved to approve Change Order No. 1 for the contract of Bordeaux Construction Company, Inc. for the Detention Center Phase II Project in the amount of \$75,708.00 and the associated Capital Project Ordinance amendment. The vote of approval was unanimous.

## **VIII. COUNTY ATTORNEY'S REPORT**

### **1. SAD 21 Revision of SAD Assessment**

Huey Marshall, County Attorney explained that the previous assessment resolution provided that interest would accrue at a rate in excess of 8% and asked that the Board ratify and correct the Assessment Resolution for Special Assessment #21. Legislature requires that for all Special Assessments, the maximum interest allowed will be 8%.

Commissioner Sue move to approve the Amendment to the Assessment Resolution for the Extending of the Brunswick County Water System into the Area Known as Special Assessment #21 in that the second, third, fourth and fifth years that the Special Assessment remains unpaid, the assessment would accrue interest at eight percent (8%) per annum. The vote of approval was unanimous.

### **2. Deed of Dedication and Affidavit from Bill Clark Homes for water lines at Seaspray Cove at Carolina Place, Phase II**

Huey Marshall, County Attorney explained that these installations have been completed and are ready for acceptance into the County System.

Vice-Chairman Norris moved to approve the Deed of Dedication, Affidavit and Lien Waiver for water lines at Seaspray Cove at Carolina Place, Phase II. The vote of approval was unanimous.

### **3. Minimum Housing Ordinance**

Jana Berg, Assistant County Attorney requested to set a Public Hearing on October 2, 2006 to receive public input on the Proposed Minimum Housing Ordinance.

Ms. Berg explained that there are dwellings within the county's jurisdiction which are unfit for human habitation due to certain conditions rendering them unsafe or unsanitary, dangerous and detrimental to the welfare of our citizens and residents. To address this problem and protect the health, safety and welfare of the residents of Brunswick County, a proposed Minimum Housing Code was drafted. The document was reviewed by the Board at the August 28, 2006 workshop and certain modifications were recommended. Ms. Berg reviewed the amended version incorporating those recommended changes that included the following:

1. That a dwelling may be required to be vacated only upon a finding that it is an imminent threat to public health or safety.
2. To set forth a procedure by which an aggrieved party may request and be granted an extension of time at the code enforcement level of up to 90 days in which to complete any required improvements.
3. To establish a Minimum Housing Appeals Board with jurisdiction to hear and decide appeals from alleged violations of the Minimum Housing Code.

To modify the alternative method of service after certified mail is refused or unclaimed by increasing from 10 to 15, the number of days after mailing by regular mail and by posting of notice upon the affected property at which the presumption arises that a complaint or order has been served upon a responsible party.

Commissioner Moore moved to set a Public Hearing for October 2, 2006 at 6:30 p.m. to receive public input regarding the Proposed Minimum Housing Ordinance. The vote of approval was unanimous.

### **4. Abatement Nuisance of Abandoned Manufactured Homes**

Jana Berg, Assistant County Attorney explained that the number of manufactured homes in the county has risen dramatically as housing in the county has become more expensive. Manufactured homes may be difficult and expensive to repair when they begin to deteriorate and often the owners will simply buy another manufactured home and abandon the old one rather than refurbish or repair it. These abandoned manufactured homes are a visual blight on the landscape of the county, which is in large part economically dependent upon tourism. Further, abandoned manufactured homes create public health and environmental problems. They pose fire hazards, safety hazards to unsupervised children, become a breeding ground or harbor for rats or other pests, and are a potential source of toxic or hazardous materials that may escape into the environment.

The Board of Commissioners reviewed the first draft of the proposed ordinance at the August 28, 2006 workshop and recommended certain modifications. Ms. Berg reviewed the amended version incorporating the changes recommended by the Board that included the following:

1. That the registered owner shall be the party responsible for abatement of the nuisance caused by a manufactured home.
2. Decreasing from 10 to 5, the number of abandoned manufactured homes which may be located at a solid waste disposal facility.

Vice-Chairman Norris moved to set a Public Hearing for October 2, 2006 at 6:30 p.m. to receive public input regarding the Proposed Abatement Nuisance of Abandoned Manufactured Homes Ordinance. The vote of approval was unanimous.

## **5. Abandoned Junk & Nuisance Motor Vehicles**

Jana Berg, Assistant County Attorney explained that the Board of Commissioners reviewed the first draft of the proposed amendments to the subject ordinance at its August 28, 2006 workshop meeting. The Board expressed its desire to have a public hearing on the proposed amendments after certain changes requested by the Board were incorporated. Changes the Board requested be made to the ordinance have been incorporated. These include: substituting the Chief Code Enforcement Officer for the Board of Commissioners in Article VI, Section 2, as the person responsible for the determination that the aesthetic benefits of removing the vehicle outweigh the burdens imposed on the property owner.

Vice-Chairman Norris moved to set a Public Hearing for October 2, 2006 at 6:30 p.m. to receive public input regarding the Proposed Abandoned Junk & Nuisance Motor Vehicles. The vote of approval was unanimous.

## **6. Habitat for Humanity House**

Jana Berg, Assistant County Attorney explained that one of the county's major goals and objectives for fiscal year 2006-2007 is "to organize a group of county employees and officials to support the Brunswick County Habitat for Humanity program and to assist in the construction of an affordable housing unit."

Ms. Berg also noted that on August 7, 2006 during her initial presentation discussing the major goal and objective, Mr. Gary Knapp, the Executive Director of Brunswick County Habitat for Humanity explained that the single largest obstacle facing Habitat for Humanity was the lack of affordable land upon which to construct Habitat houses.

The county has in its inventory, a number of vacant properties acquired by the county through tax foreclosures. North Carolina General Statute 160A-279 authorizes the county to convey real property by private sale to a non-profit entity serving a public purpose.

Staff has identified 2 parcels of county owned property located in Building Springs Lakes suitable for locating a Habitat House. The lots are contiguous and we understand that together they will have sufficient drainage percolation.

Staff requests that the Board of Commissioners adopt a resolution to convey by private sale for the sum of one dollar (\$1.00) two parcels of county owned property located in Boiling Springs Lakes to Brunswick County Habitat for Humanity, a non profit corporation and that the Board approve the county providing in-house services (such as site clearing and grading) to the property at no charge and to waive all permit and inspection fees for Brunswick County Habitat for Humanity. The conveyance of the real property shall be conditioned upon the grantee using the properties for the public purpose of constructing a house for a low or moderate income Brunswick County family.

Commissioner Moore moved to adopt a Resolution to convey by private sale for the sum of one dollar (\$1.00) two parcels of county owned property located in Boiling Spring Lakes to Brunswick County Habitat for Humanity and that the county provide in-house services (such as site clearing and grading) to the property at no charge and waive all permit and inspection fees for Brunswick County Habitat for Humanity conditioned upon the grantee using the properties for the public purpose of constructing a house for a low or moderate income Brunswick County family. The vote of approval was unanimous.

### **RESOLUTION TO CONVEY BY PRIVATE SALE TO BRUNSWICK COUNTY HABITAT FOR HUMANITY LAND FOR AFFORDABLE HOUSING DEVELOPMENT**

**WHEREAS**, the Board of Commissioners of Brunswick County finds the production, promotion and development of affordable, low cost housing vitally necessary to continue and more effectively meet the needs of families within Brunswick County; and

**WHEREAS**, Brunswick County Habitat for Humanity is a non-profit entity whose mission is to build decent, affordable housing for low and moderate income families; and

**WHEREAS**, ensuring the development of affordable, low cost housing to the citizens of Brunswick County is hereby declared to be a public purpose; and

**WHEREAS**, North Carolina General Statute 160A-279 authorizes the county to sell real property by private sale to any public or private non-profit entity that carries out a public purpose.

**NOW, THEREFORE, BE IT RESOLVED BY THE BRUNSWICK COUNTY COMMISSIONERS THAT:**

1. The Brunswick County Board of Commissioners hereby authorize the conveyance of two parcels of county owned property located in Boiling Springs Lakes, Brunswick County, North Carolina, identified as tax parcel 141MB006 and 141MB057 by private sale for the sum of one dollar (\$1.00) to Brunswick County Habitat for Humanity. Said conveyance shall be conditioned upon the construction of a decent, affordable dwelling unit which shall be conveyed to a low or moderate income Brunswick County family.

2. The County Manager is hereby authorized to execute the necessary deeds approved as to form by the County Attorney which are consistent with the purposes specified herein.

This the 18<sup>th</sup> day of September, 2006.

s/David R. Sandifer

Brunswick County Commissioners

Attest:

s/Debby Gore, Clerk to the Board

**7. Closed Session 7:13 p.m.**

Commissioner Rabon moved to enter Closed Session pursuant to NCGS 143-318.11 (a) (3), (5) and (6) attorney/client privilege to discuss confidential matters, real estate and personnel matters. The vote of approval was unanimous.

**BREAK** The Chairman called a ten-minute break.

**Reconvened 9:07 p.m.**

Chairman Sandifer called the Open Session back to order and announced that action taken in Closed Session will be revealed once disclosed to the opposing party.

Commissioner Rabon moved to amend the rules requiring that a motion to reconsider be made at the same meeting where the original vote was taken. The vote of approval was unanimous. (Commissioner Rabon was on the prevailing side of the previous motion).

Commissioner Sue moved to recuse Vice-Chairman Norris. The vote of approval was unanimous.

Commissioner Rabon moved to reconsider Item 4 of Map Amendment Z-06-10 by placing it on the October 2, 2006 Regular Meeting Agenda and to notify adjacent property owners. The vote of approval was unanimous. (4 ayes, Commissioners Rabon, Moore, Sandifer and Sue). (Vice-Chairman Norris recused).

**IX. OTHER BUSINESS/INFORMAL DISCUSSION**

There was no other business to discuss.

**X. ADJOURNMENT**

Commissioner Moore moved to adjourn the Regular Meeting at 9:10 p.m. The vote of approval was unanimous.

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David R. Sandifer, Chairman

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Deborah (Debby) Gore, Clerk to the Board